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KAREN GOLINSKI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

KAREN GOLINSKI,

Plaintiff,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, and JOHN BERRY, Director
of the United States Office of Personnel
Management, in his official capacity,

Defendants.

Case No. 4:10-cv-00257 (SBA)

**PLAINTIFF KAREN
GOLINSKI'S AMENDED
NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
INJUNCTION**

Date: June 15, 2010
Time: 1:00 p.m.
Place: Courtroom 1, 4th Floor
United States Courthouse
1301 Clay Street
Oakland, California 94612

1 **AMENDED NOTICE OF MOTION AND MOTION**

2 TO ALL DEFENDANTS:

3 PLEASE TAKE NOTICE THAT at 1:00 pm on Tuesday, June 15, 2010, or as soon
4 thereafter as counsel may be heard, in the courtroom of the Honorable Sandra B. Armstrong,
5 located at 1301 Clay Street, Oakland, CA 94612, plaintiff Karen Golinski will move for an order
6 for a preliminary injunction pursuant to Fed. R. Civ. P. 65 and Civil L.R. 65-1.

7 The motion seeks to enjoin the United States Office of Personnel Management and its
8 director John Berry (collectively, "OPM"), and their respective agents, servants, employees,
9 attorneys and those in active concert or participation with them or OPM, from violating Chief
10 Judge Kozinski's November 19, 2009 Order in the proceeding *In the Matter of Karen Golinski*,
11 No. 09-80173 (9th Cir.), pending further order of this Court. Specifically, defendants shall, as
12 prescribed in the November 19, 2009 Order:

- 13
- 14 • [R]escind its guidance or directive to the Blue Cross and Blue Shield
15 Service Benefit Plan and any other plan that Ms. Golinski's wife is not
16 eligible to be enrolled as her spouse under the terms of the Federal
17 Employees Health Benefits Program because of her sex or sexual
18 orientation, and that the plans would violate their contracts with OPM
19 by enrolling Ms. Golinski's wife as a beneficiary.
 - 20 • [C]ease at once its interference with the jurisdiction of [the Ninth
21 Circuit's EDR] tribunal. Specifically, OPM shall not advise
22 Ms. Golinski's health plan, the Blue Cross and Blue Shield Service
23 Benefit Plan, that providing coverage for Ms. Golinski's wife violates
24 DOMA or any other federal law. Nor shall OPM interfere in any way
25 with the delivery of health benefits to Ms. Golinski's wife on the basis
26 of her sex or sexual orientation.

21 The motion is based upon this amended notice of motion and motion, the memorandum of
22 points and authorities filed on January 26, 2010, the accompanying declarations and exhibits filed
23 on that date, plaintiff's complaint, and such further evidence and arguments as may be presented.

24 This amended notice of motion and motion is identical to plaintiff's original notice of
25 motion and motion, filed on January 26, 2010, except that defendant John Berry has been
26 expressly added. Plaintiff's First Amended Complaint, filed March 8, 2010, added Mr. Berry in
27 his official capacity as Director of the Office of Personnel Management to address sovereign
28 immunity concerns raised by OPM.

1 This amendment to plaintiff's notice and motion should not require any modification to
2 the briefing schedule set by the Court. There is no substantive change to the relief sought by
3 plaintiff, and no prejudice to any party if the briefing schedule remains unchanged. Plaintiff's
4 original notice and motion was already directed to the Office of Personnel Management and its
5 "agents" and "employees," which includes Mr. Berry. In addition, plaintiff has served defendant
6 Berry with the original preliminary injunction motion and supporting papers, as well as the
7 Court's briefing schedule for the motion.

8
9 Dated: March 10, 2010

MORRISON & FOERSTER LLP

10 LAMBDA LEGAL

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12 By: /s/ James R. McGuire
13 JAMES R. McGUIRE

14 Attorneys for Plaintiff
15 KAREN GOLINSKI
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